

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES – GENERAL**

Case No. LA CV19-00850 JAK (GJSx)

Date February 25, 2020

Title Shonna Counter v. Blake Coolidge Holding Company, LLC et al.

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Present: The Honorable JOHN A. KRONSTADT, UNITED STATES DISTRICT JUDGE

Cheryl Wynn

Not Reported

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Not Present

Attorneys Present for Defendants:

Not Present

**Proceedings: (IN CHAMBERS) ORDER TO SHOW CAUSE RE SANCTIONS / AMENDED SCHEDULING ORDER**

On January 30, 2020, an order issued that set a February 4, 2020, deadline for the parties to file a Joint Trial Report. Dkt. 34. On January 31, 2020, an order granted Plaintiff's request for approval of substitution of counsel. Dkt. 36. No Joint Trial Report was filed by February 4, 2020. On February 7, 2020, an order issued that required the parties to file the Joint Trial Report on or before February 9, 2020. Dkt. 37. On February 10, 2020, Defendants filed a Statement by Defendants' Counsel Regarding Order Directing Counsel to File Joint Trial Report (the "Statement"). Dkt. 38. The Statement claimed that a settlement was reached in the case with Plaintiff's prior counsel, but, after the substitution of new counsel, Plaintiff's counsel declined to abide by the settlement and has not answered attempts at contact from Defendants' counsel, despite the obligation to file a Joint Trial Report. *Id.* at 2-3; see also Dkt. 38-1 ¶¶ 2-4. The Statement requests an opportunity to file the motion for summary judgment intended to be filed before a settlement was reached and requests dismissal if Plaintiff fails to cooperate in filing a Joint Trial Report. Dkt. 38 at 3. Since the Statement, Plaintiff's Counsel has filed no response. Moreover, the parties missed the February 7, 2020, deadline to file a notice of settlement or joint report re settlement. See Dkt. 23 at 1.

Plaintiff's counsel is ordered to show cause why sanctions in the amount of \$250 should not be imposed for failing to cooperate in the preparation of the Joint Trial Report and failing to abide by court orders. A hearing on the order to show cause is set for March 16, 2020, at 11:30 a.m. On or before February 28, 2020, Plaintiff's counsel shall file a declaration under penalty of perjury stating the reason for these failures. Based on a review of the declaration, the Court will determine whether to proceed with the March 16, 2020 hearing or to discharge the OSC. If the hearing proceeds, Defendants' counsel is invited, but not required, to attend.

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Under the Scheduling Order, the last day to file all motions was January 20, 2020. Dkt. 23 at 1. The Statement states that a settlement was reached close to this deadline on January 17, 2020, and that both parties had intended to file cross-motions for summary judgment. Dkt. 38 at 2. The Statement provides sufficient good cause to amend the scheduling order to permit Defendants to file a motion for summary judgment. Defendants shall file the motion for summary judgment, if any, on or before March 2, 2020. If Defendants file a motion for summary judgment on or before March 2, 2020, then pretrial and trial dates, if any, shall be set following a decision on the motion for summary judgment.

**IT IS SO ORDERED.**

Initials of Preparer cw